

Serial No.: 09/923,844
Group Art Unit: 1638

expression of a heterologous nucleic acid in a plant, classified in class 536, subclass 24.1.

- II. Claims 15-22 and 24-26, drawn to a nucleic acid encoding a protein, constructs comprising that nucleic acid, cells and plants transformed with the constructs, and a method of using the constructs to enhance disease resistance in a plant, classified in class 800, subclass 301.
- III. Claim 23, drawn to a method of enhancing disease resistance in a plant by transformation of the plant with a nucleic acid encoding chitinase or LTP expressed from the chitinase or LTP promoter, classified in class 800, subclass 279
- IV. Claims [sic] 27, drawn to a protein and a method of using it to control a plant pathogen, classified in class 530, subclass 370.

In addition, the Examiner has required the Applicant to select a sequence as follows. If Applicant elects Group I, Applicant must elect one of SEQ ID NO:5 or 6. If Applicant elects Group II, Applicant must elect one of SEQ ID NO:1 or 3. If Applicant elects Group III, Applicant must elect one of SEQ ID NO:1 or 3 and either the sunflower chitinase or LTP promoter. If Applicant elects Group IV, Applicant must elect one of SEQ ID NO:2 or 4.

Applicant hereby provisionally elects without traverse to prosecute Group II, claims 15-22 and 24-26, drawn to a nucleic acid encoding a protein, constructs comprising that nucleic acid, cells and plants transformed with the constructs, and a method of using the constructs to enhance disease resistance in a plant, classified in class 800, subclass 301, along with SEQ ID NO: 3, and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

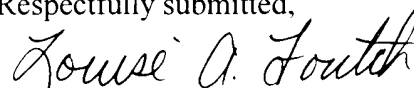
Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned attorney so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required beyond those, which may be otherwise provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of

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this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 16-1852.

Respectfully submitted,



Louise A. Foutch
Registration No. 37,133

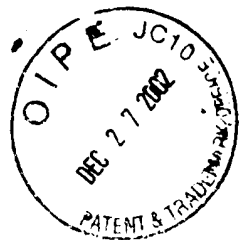
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Version with markings to show changes made

Please amend Table 1, found on page 55 of the specification, as follows:

**Table 1. Primers used for isolation of cDNA fragments
in the differential display assay**

Gene	Primer	Sequence	<u>SEQ ID</u> <u>NO:</u>
chitinase	T12MC	CMAAAAAA-(A)n	
	AP-4	5'- GGTACTCCAC - 3'	<u>7</u>
LTP	T12MC	GMAAAAAA-(A)n	
	AP-2	5'- GACCGCTTGT - 3	<u>8</u>



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Chitinase promoter (SEQ ID NO:5)

CGTCGTTTCGCTTGCAGGGGATAAAAAGATAATATCATGATCACCATTCA
TCACGCCTAAAAATTCCTCCTCTTAGTCAATTGTGAATATTTTGTAATTAT
TGTGTAGACTATAACTGTTATGTCTTTGCATATATTTCTCCTTGTAATTA
GCCTTGATATCCAGTATATAATGATATCAAACTCTCTAATCAAGCAGAG
AGAGTTCCTGAATTACATCACCGCTGCCATTTTAGTCCACTAAGTTAAC
TTCATCCATTAATTTTGTAACTGAAAGGAAATTCGGTCATTTTCTATG
GCCGAATTGCCCTTGTAGTTCACAAAATTACATATAAAACCACCGAATTG
CCGTTCTCGTTAACAGAAAAAATGAATGAAGTTAACCAGTGGAATAAAA
TGGCAACGATGAAACCATTTTGGATCCACAGGCGAAAAATGAACTTTT
MRE-like
GGACTAACTGGCGAAAAATAAACTTTTGGACTAACTACATGAACTAA
AATGGCTTTTAACTAAATTTTAAATAACCGTTTAAATTTTATAAAGAGAAA
ATAAACTTTACAAAAAGCATCGCTTGTCTATTTTATAAAGATTAAAGTTA
CTTGACGTTCAAACATATGTTACTAGATGAATCAAGAGTCATGTACAAC
TCTATGTTTAGATAAGGTTACTAGATGAATATGAGTTAGTCATCTATAAG
CAAT box MRE-like
TCTATACTTAGAAAGTTCAAAGTCAATGATTTGTATTGAATACTGTTTGT
AGTTGAATTCATAAAAGCTTTGAATACTGTTTGTAGTTGAATTCATAAAA
TATA box
GCTCGAGTATAAGAGATCATGGGATTCCTCGAGTATTACAACACACGATG

FIGURE 4



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LTP promoter (SEQ ID NO:6)

ATCCTACTACCTCAAACCTTTATCTAATTCATCAACACAACGGAGGTTTGG
TTATATTTGTTTGGTCCATCCAAAAGGACAAAATGCACTTCATCTTAAC

W-box

AAAAAAAAAAAAAAAAAACTAAGTTAGTGATTTGGATGAAAATGACAA
ACAAAAGGACAAAATGCACTTCATCTTAACAAAAAAAAAACTGAGTTA
GTAATTTGGATGAAAACGACAAAAAAGACAAACCTGAAAGATTCAAATG
CACAAAAAATTATTTTGGATGAAACACGCATATATGATCAAACCCAAGA
GACGATTTTAATATTTTACTCGAAATTTTAAAGAAGTTAATATTAGACA
GGAATCATGTTAGAGACATATGCCAAACCTATTAATTTTCTAAGTTCAA
ACAAAAATCTATTATTTTTCAAACCACAGCTATAATTTATGTAATTTT
ATCTCTATAAATGGACAAAGAATAAAAGTTTTCTACAAACGGTAACAACA
AGGAAGCTACCCTCGTTTTGAAGATAGTTAAGACAATAATTCAACTACTT

W-box

TCTAACTACTTTTCTCACAAGACTTAATTTTCCACACACATCTTTATGAC
TAAATCTACCATATGTGATGGGCCAGTCAACCATTAATATGTCTTCAACC
ACAAGTCGGTAAACCGGACCATCAGCCACTTGGCCACGGGCGCAGCTTAG
TGGAAACCGGGGTGCACAACCCCTCTAATGTTTCGGTTAGAAGTGCAAA
ATTTACGATTTTTCGTCCGAAAATTTTCGCCACCAGAACTTTTAGTCAA

CAAT box

ACTTCGCCACTGCACTTTGCCCAATGTTCTATTAAGGTTTTTATTTTATT
TTTATTATTTTTTATAACGATTCCAAAAATTTTTTGGACATATACATCTG
ACATGCGTTATATGTAGATATAGAATTTGAACTCGCAACCTTTTAATTAT

TATA box

ACGATACATCACCACCTAGATTTGAATTCTCATTTGGGCCCAATGGTCTAT
AAATAATGCACCAACCCCTCAGTTTAAACCACCACCACTACACTTCATAC
AACAAAACCTCTCTAACCACCTCCTTAATCCCCTCCAAAATG

FIGURE 5